

REMARKS

Reconsideration and Allowance are Respectfully Requested

Claims 55-58, 63, 68, 70-78 are currently pending. Claims 1-54, 59-62, 64-67, 69 and 79-82 have been canceled. Claims 55, 68, 70, and 74 have been amended. No claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Applicant would first like to thank Supervisory Patent Examiner Lanna Mai for the courtesies extended during the Interview conducted on June 10, 2004. During the course of this interview, proposed amendments to claims 55-58, 63, 68 and 70-78 were discussed as they relate to SE 8202375-5 (Swedish patent). After discussing the proposed claims and the prior art in substantial detail, Applicant agreed to provide amendments relating to the shape of the respective protrusions and to further limit the claims to the environment of flooring panels.

With regard to the outstanding Office Action, claims 55-58, 66-69, 74-77, 81 and 82 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Swedish patent. In addition, claims 67, 69 and 82 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Swedish patent in view of U.S. Patent No. 4,577,448 to Howorth (Howorth). Claims 55-58, 66-69, 74-77, 81 and 82 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of co-pending U.S. Patent Application Serial No. 10/265,900. Further, claims 55-58, 66-69, 74-77, 81 and 82 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,449,918. These rejections are respectfully traversed in view of the preceding amendments and the remarks which follow.

With regard to the double patenting rejections, Applicant submits herewith Terminal Disclaimers limiting the patent term of the present application. As such, the double patenting rejections are believed to be overcome and Applicant respectfully requests that they be withdrawn.

With regard to the rejections based upon prior art, in particular, the application of the Swedish patent alone and in combination with Howorth, Applicant has amended all independent claims to further define the protrusions extending from the base of the connector. In particular, Applicant has amended the claims so as to define that each of the protrusions includes “first and second tapered surfaces extending outwardly from a top portion of the protrusion, the first tapered surface facing away from the projection and extending at an oblique angle relative to the base plane and the second tapered surface facing the projection and extending at an oblique angle relative to the base plane.”

In contrast to the claimed invention, the Swedish patent discloses a single angled surface 15 facing away from the center of the connector. However, the Swedish patent does not disclose first and second tapered surfaces as claimed. The Swedish patent’s failure to disclose the claimed first and second tapered surfaces is a result of the very different attachment techniques employed by the claimed connector structure and the Swedish patent. In particular, the present connector is designed for lateral attachment of flooring panels as previously installed flooring panels lie upon the floor. In accordance with the present invention, a flooring panel is laterally inserted for coupling with the projection and protrusions as the connector lies upon the support surface.

Such a connecting technique would be impossible through the utilization of the connector disclosed by the Swedish patent given the single tapered surface provided therein. In particular, without first and second tapered surfaces as claimed, one may not laterally slide a flooring panel

along a support surface and connect it directly to the disengagable connector. Rather, the Swedish patent requires that the flooring panels be placed adjacent one another and that the connector be slid within the recesses defined thereby.

In view of the very different attachment techniques contemplated by the Swedish patent and the claimed invention and, consequently, the very different structures employed by the claimed invention and the Swedish patent, it is Applicant's opinion amended independent claims 55, 68, 70 and 74 overcome the disclosure of the Swedish patent and that nothing in the prior art either discloses or suggests the obviousness of modifying the Swedish patent to read upon the pending claims. As such, Applicant respectfully requests that the rejections relating to claims 55, 68, 70 and 74 be withdrawn. With regard to those claims dependent upon independent claims 55, 68, 70 and 74, they are believed to overcome the prior art of record for the reasons discussed above and Applicant respectfully requests that these rejections also be withdrawn.

During the course of the interview conducted on June 10, 2004, Supervisory Patent Examiner Mai expressed concerns that the present connector could be utilized in a variety of environments, leaving open the door for the application of prior art considered nonanalogous to flooring panels. With this in mind, Applicant has endeavored to amend the independent claims so as to limit the invention to the environment of flooring, and other planar, panels intended for placement over a support surface. In particular, each of the independent claims has been limited by defining that the panel include a top wear surface, a substrate material and a bottom surface for contact with a support structure. Each panel also includes a plurality of identical edges having a recess formed therein and at least one channel formed in the bottom surface thereof. In addition, the claims have been amended so as to define that the projection includes top and bottom portions

with identical right and left halves for insertion into the respective recesses along the edges of the panels and that the protrusions extend vertically from the base for insertion within respective channels formed in the bottom surface of the flooring panels. These amendments are believed to limit the present claims to the environment of flooring panels and related planar panels.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. N. Flaxman', with a stylized flourish at the end.

Howard N. Flaxman
Registration No. 34,595

WELSH & FLAXMAN LLC
2450 Crystal Drive, Suite 112
Arlington, VA 22202
Telephone No.: (703) 920-1122

Our Docket No. WIL-41062-01